

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
GARDEN CITY BOXING CLUB, INC.

Plaintiff

07 CV 4737

-AGAINST-

494 LATINO RESTAURANT INC.
d/b/a LATINO RESTAURANT
and LAURENTINO MENDEZ

DEFAULT JUDGMENT

Defendant

-----X

This action having been commenced on June 4, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the defendant, 494 Latino Restaurant Inc. d/b/a Latino Restaurant and Laurentino Mendez on June 22, 2007, and a proof of service having been filed on July 6, 2007 and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the amount of \$20,000.00 with interest at 9% from June 5, 2004, amounting to \$5,500.00; plus costs and disbursements of this action in the amount of \$470.00, amounting in all to \$25,970.00

Dated: New York, New York

Vicor Marrero
United States District Judge

This document was entered on the docket
on _____

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**AFFIDAVIT FOR JUDGMENT
BY DEFAULT**

Defendant

-----X

STATE OF NEW YORK)
)
) ss:
COUNTY OF NEW YORK)

Paul J. Hooten, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am associated with the
firm of Paul J. Hooten & Associates, attorney for plaintiff in the above-entitled action
and I am familiar with all the facts and circumstances in this action.

1. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil
Rules for the Southern District of New York, in support of plaintiffs application for the
entry of a default judgment against defendant.
2. This is an action to recover the unauthorized exhibition of the telecast
of the June 5, 2004, boxing match between Oscar De La Hoya and Felix Strum by the
defendant at it's establishment. See attached summons and complaint attached hereto as
Exhibit "A".

3. This action was commenced on June 4, 2007 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendant on June 22, 20076 by service on “Jane” Maria , Managing Agent.. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

4. This action seeks judgment in the amount of \$20,000.00, plus interest at 9% from June5, 2004, amounting to \$5,500.00, plus costs and disbursements of this action in the amount of \$470.00 amounting in all to \$25,970.00.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Mt. Sinai, New York
June 24, 2007

/s/ Paul J. Hooten
Paul J. Hooten (PJH9510)

Sworn to before me this
24th day of July, 2007

/s/ Cheryl E. Lorefice
Notary Public

Cheryl E. Lorefice
Notary Public, State of New York
No. 4999823
Qualified in Suffolk County
Commission Expires August 3, 2010

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STATEMENT OF DAMAGES

Defendant

-----X

Amount of Judgment \$20,000.00

Interest at 9% from June 5, 2004 through July, 2007..... \$ 5,500.00

Costs and Disbursements:

Clerk's fee \$ 350.00

Process Server fee for service \$ 120.00

Total as of July 23, 2007..... \$25,970.00

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CERTIFICATE OF SERVICE

Defendant

-----X

I certify that a copy of the Default Judgment, Affidavit for Judgment by Default, and Statement of Damages was sent via U.S. Postal Service, postage prepaid, first class mail, addressed to the following on July 24, 2007:

494 Latino Restaurant, Inc.
d/b/a Latino Restaurant
494 E. 138th Street
Bronx, NY 10454

Laurentino Mendez
522 E. 138th Street
Bronx, NY 10454
Elsa Cuzo
34-14 101st Street, #1
Corona, NY 11369

By: /s/ Paul J. Hooten
Paul J. Hooten, Esquire
Attorney for Plaintiff
5505 Nesconset Highway, Suite 203
Mt. Sinai, NY 11766
Telephone (631) 331-0547